

Draft
February 11, 1998

NOTICE OF INTENT TO CONDUCT RESTORATION PLANNING
Texaco Exploration and Production, Incorporated
Crude Oil Spill, Lake Barre
May 16, 1997

Pursuant to 15 C.F.R. §990-44
(61 F.R. 440-- January 5, 1996)

PURPOSE

The Louisiana Oil Spill Coordinator's Office (LOSCO), Louisiana Department of Environmental Quality (LDEQ), Louisiana Department of Natural Resources (LDNR), Louisiana Department of Wildlife and Fisheries (LDW), the U. S. National Oceanic and Atmospheric Administration (NOAA), and the U.S. Department of the Interior (DOI), represented by the U.S. Fish and Wildlife Service, have determined that the impacts of the May 16, 1997 discharge of crude oil by Texaco Pipeline Company warrants conducting a natural resource damage assessment, which will include restoration planning.

SITE AND RELEASE INFORMATION

On May 16, 1997, the Texaco Pipeline Company Eugene Island Pipeline ruptured, discharging approximately 5,000 BBL or more of crude oil into Lake Barre, Terrebonne Parish, Louisiana. Several thousand acres of Lake Barre surface waters, marsh and other habitats and the fauna inhabiting this area were exposed to crude oil as a result of this discharge, Texaco Pipeline Inc. has been named by the United States Coast Guard as the responsible party for this incident, pursuant to §2714 of the Oil Pollution Act of 1990, 33 U. S. C. §2700 et seq. (OPA).

Lake Barre is a shallow estuarine bay system characterized by soft organic sediment. Tidal amplitude is small, driven primarily by wind. It is bordered by extensive acreage of salt marsh, which is critical nursery habitat for numerous species and provides many other ecological services. The Lake Barre system also includes bayous, channels and small islands. Aquatic species present include, but are not limited to estuarine and estuarine-dependent white and brown shrimp, blue crabs, oysters and finfish. Wildlife species that may be present in Lake Barre include, but are not limited to white and brown pelicans, herring gulls, herons, egrets, rails, and otters. Marine mammals and sea turtles, such as Kemp's Ridley turtles, may also occasionally utilize this environment. The arm is used for fishing, hunting, boating, shrimping, oyster harvesting and other commercial and recreational activities.

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AUTHORITIES

The natural resource trustees for this incident are DOI, NOAA, LOSCO, LDEQ, LDW and LDWF. These trustees are designated pursuant to 33 U.S.C. §2706(e), Executive Order 12777, and the National Contingency Plan, 40 C.F.R. Part 300.600 and 300.605, Pursuant to R.S. 30:2460, the State of Louisiana OU Spill Contingency Plan, September 1995, describes the state trust resources, which include the following: vegetated wetlands, surface waters, ground waters, air, soil, wildlife, aquatic life, and the appropriate habitats on which they depend. DOI has been designated as trustee for the natural resources that it manages or controls. Examples of those Resources as described within the National Contingency Plan, 40 C.F.R. §300.600(b)(2) and (3), include the following and their supporting ecosystems: migratory birds, anadromous fish, endangered species and marine mammals, federally owned minerals, certain federally managed water resources, and natural resources located on, over, or under land administered by the Department. In the case at hand, the trust resources of concern are migratory birds and those are managed by the U.S. Fish and Wildlife Service, which represents DOI in this matter. NOAA's trust resources include, but are not limited to, commercial and recreational fish species, anadromous and catadromous fish species, marshes and other coastal habitats, marine mammals, and endangered and threatened marine species.

TRUSTEES' DETERMINATIONS

Following the notice of the discharge, the natural resource trustees made the following determinations required by 15 C.F.R. § 990.41:

Jurisdiction:

1. The natural resource trustees have jurisdiction to pursue restoration pursuant to the Oil Pollution Act. The trustees have determined that the release of approximately 5,000 or more BBLs of crude oil into the waters of Lake Barre on May 16, 1991 was an incident and defined in 15 C.F.R. §990.30.
2. This incident is not permitted under state, federal or local law.
3. Using information gathered since the beginning of the incident during the response and natural resource damage assessment initiation phases, the trustees have determined that natural resources under the trusteeship of the natural resource trustees listed above may have been injured as a result of the incident. The oil released contains components that are known to be toxic to aquatic organisms, birds, wildlife and vegetation. Vegetation, birds, and aquatic organisms were exposed to this oil from this discharge, and mortalities to some flora and fauna were observed as a result of this exposure.

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Proceed with Preassessment:

Since the conditions of 15 C.F.R. §990.41(a) were met as described above, the trustees made the further determination Pursuant to 15 C.F.R. §990.41 (b) to proceed with preassessment.

DETERMINATION TO CONDUCT RESTORATION ACTIVITIES

For the reasons discussed below, the natural resource trustees have made the determination required by 15 C.F.R. §990.42(a), and are providing notice pursuant to 15 C.F.R. §990.44 that they intend to conduct restoration planning in order to develop restoration alternatives that will restore, replace, rehabilitate, or acquire the equivalent of natural resources injured and/or natural resource services lost as a result of this incident.

Injuries have resulted from this incident. The trustees base this determination upon data which was collected and analyzed pursuant to 15 C.F.R. §990.43 and which demonstrates that resources and services have been injured. Natural resources injured as a result of the spill and spill response may include, but are not limited to: benthic communities, water quality, vegetated wetlands, fish and wildlife species and recreational use opportunity. At least 58 live oiled birds were observed, and at least two oil birds were found dead. Concentrations of polycyclic aromatic hydrocarbons were detected in water samples at levels known to be toxic to aquatic organisms in laboratory studies. It is estimated that over 4,300 acres of marsh were exposed to at least oil sheen, and some vegetation was observed to have been killed as a result of the oiling and/or the response actions. An area of Lake Barre was effectively closed to recreation use during the early response phase of the Incident.

- (1) Response actions have not adequately addressed the injuries resulting from the Incident. Although response actions were initiated promptly and pursued with appropriate effort, the nature of the discharge and the sensitivity of the environment precluded prevention of injuries to natural resources, it is anticipated that injured natural resources will eventually return to baseline, but significant interim losses have occurred, and will continue to occur until return to baseline is achieved.
- (2) Feasible primary and compensatory restoration actions exist to address injuries from this incident. Potential restoration actions include: replanting *Spartina alterniflora* in areas denuded by the spill; creation, enhancement or protection of marsh; creation of oyster reef habitat; and creation of rookery areas.
- (3) Potential assessment procedures to be used to evaluate the injuries and define the appropriate type and scale of restoration for the injured natural resources are available. Among the available procedures are marsh injury assessment studies to be used in conjunction with Habitat Equivalency Analysis to determine compensation for injuries to marsh vegetation and marsh services. Models or other approaches are available for evaluating injuries to fauna. Where models and other techniques fail to reflect migratory

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bird and threatened/endangered species injury, other methods shall be developed, such as monitoring surveys and stress sampling methods by the cooperating parties conducting the assessment-

PUBLIC DINVOLVEMENT

Pursuant to 15 C.F.R. §990.44(c), the Trustees seek public involvement in restoration planning for this petroleum discharge, through public review of and comment on the documents contained in the administrative record, which is maintained in the Louisiana Oil Spill Coordinator's Office, and in the Terrebonne Parish Consolidated Government Offices (contact Earl Eues, Department of Environmental Services, 504-873-6739), as well as on the Draft and Final Restoration Plans when they have been prepared.

Comments should be sent to:

Roland J. Guidry
Louisiana Oil Spill Coordinator
Office of the Governor
P.O. Box 94095
Baton Rouge, LA 70904
Telephone., (504) 922-3230

The Louisiana Oil Spill Coordinator, as the Lead Administrative Trustee, and on behalf of the natural resource trustees of the state of Louisiana, the DOI and NOAA, pursuant to the determinations made above and in accordance with 15 C.F.R. §990.44(d), hereby provides Texaco Pipeline Company this Notice of Intent to Conduct Restoration Planning and invites their participation in the conduct of that restoration planning,

Roland J. Guidry
Louisiana, Oil Spill Coordinator
Office of the Governor
Lead Administrative Trustee

Date

TOTAL P.06

E.R. Murray
Executive Vice President

Texaco Pipeline Inc.

PO Box 4454
Houston, TX 77210
713 752 7002
713 752 7225 FAX

Mr. John Kern
NOAA Damage Assessment Center, SE
9721 Executive Center Drive
Koger Building, Suite 174
St. Petersburg, FL 33702

Subject: Eugene Island Pipeline Spill
Funding Commitment for Initiation of Natural
Resource Damage Assessment

Dear Mr. Kern:

This responds to your request for a commitment from Texaco to provide funding for the initiation of the natural resources damage assessment for the Texaco Pipeline Crude Oil Spill which occurred on May 16, 1997 in Lake Barre, Terrebonne Parish, Louisiana. The Trustees have been defined as Department of Commerce (NOAA), Louisiana Oil Spill Coordinations Office (LOSCO), Louisiana Department of Wildlife & Fisheries (LAWF), Louisiana Department of Natural Resources (LAIM), and Louisiana Department of Environmental Quality (LADEQ).

Texaco agrees to directly fund the Trustees assessment costs for the preassessment phase. The total costs for the Trustees to conduct the preassessment phase have been estimated to be \$151,816.91.

Sincerely,

E.R. Murray
Texaco Pipeline Inc.

cc
J.M. Hanna/Texaco Legal - Harrison
J.M. Baudier/Texaco Legal - New Orleans
I.F. Hall/Texaco EPTD - Houston